IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 19348 of 2004

Between:

Mohammed Rafiq S/o Mr. Yousuf Ali
R/o Post Kandoor (Village) Mandal Addakal, Mahboobnagar District

.....PETITIONER

AND

1 Andhra Pradesh State Road Transport Corporation (APSRTC) Rep.by its Managing Director, Musheerabad, Hyderabad
2 Andhra Pradesh State Road Transport Corporation (APSRTC) Rep.by its Regional Manager Mahaboobnagar Region, Mahaboobnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, more particularly a writ of mandamus declaring the inaction of the Respondent in not considering the representation dated 20/03/2002 made by petitioner is ultra vires, illegal, arbitrary, discriminatory and violative of articles 14,16,and 21 of constitution of India and consequently direct the Respondent to appoint the petitioner on compassionate grounds in the interest of justice and equity.

Counsel for the Petitioner: MR.A.M.QURESHI

Counsel for the Respondents: MR.P.VINAYAKA SWAMY (SC FOR APSRTC)

The Court made the following :

ORDER:

The petitioner is the son of one Mr.Yousuf Ali, who worked as an ADC Controller in the respondent Corporation. He died in harness on 10-12-1991 while in service. Subsequently the petitioner's mother also expired. The petitioner made an application for Compassionate appointment under the breadwinner scheme. The petitioner contends that after six years, the second respondent consider the request of the petitioner and he was provisionally selected for the post of Cleaner in Mahaboobnagar region under the deceased employees children quota vide proceedings No.p3/684(17)/95-RM-MB, dated 17-04-1997. He was also directed to appear for medical examination before the Chief Medical Officer A.P.S.R.T.C. Tarnaka, hospital. Accordingly, he appeared before the Chief Medical Officer. But, subsequently, the second respondent did not pass any order regarding his appointment. The petitioner made subsequent representation on 20-03-2002 for his appointment in a suitable post, but no orders have been passed by the second respondent till now. The petitioner therefore approached this Court seeking a direction to the second respondent to pass appropriate orders on his application for compassionate appointment.

In the light of the circumstances explained by the petitioner and in view of the delay caused by the second respondent in passing appropriate orders, the second respondent is directed to consider the representation of the petitioner regarding his request for Compassionate appointment under the breadwinner scheme and pass appropriate orders within eight weeks from the date of receipt of this order.

Accordingly, the writ petition is disposed of.

26-10-2004

MRKR

To

1.The Managing Director, Andhra Pradesh State Road Transport Corporation (A.P.S.R.T.C), Musheerabad, Hyderabad.

2.The Regional Manager, Andhra Pradesh State Road Transport Corporation (A.P.S.R.T.C), Mahaboobnagar Region, Mahaboobnagar District Andhra Pradesh.

3.Two C.D copies.